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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,245	08/18/2003	Douglas A. Stanton	PHN 17,603A	3280
24737	7590	09/30/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SMITH, ARTHUR A	
			ART UNIT	PAPER NUMBER
			2851	
DATE MAILED: 09/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/643,245	Applicant(s) STANTON ET AL.	
	Examiner Arthur A Smith	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ferguson (US 5717422).

In reference to claim 9, Ferguson discloses a method of generating a desired image, comprising the acts of analyzing a first image, ref. 6, adjusting the first image to a desired contrast to form a second image and adjusting the second image for a desired brightness to form the desired image, col. 3 line 66 - col. 4 line 36.

In reference to claim 10, Ferguson discloses wherein the analyzing act is performed by a regulator, col. 3 lines 46-49.

In reference to claim 11, Ferguson discloses wherein the adjusting the first image to a desired contrast is performed by a light control panel, col. 4 lines 5-9.

In reference to claim 12, Ferguson discloses wherein adjusting the second image for a desired brightness is performed by a light control device, col. 4 lines 21-25.

In reference to claim 13, Ferguson discloses wherein a brightness and a contrast of the desired image are adjusted substantially independently of each other, col. 4 lines 26-30.

In reference to claim 14, Fergason discloses wherein a contrast of the desired image is independent from a background from a background illumination level, col. 4 lines 30-37.

In reference to claims 15-17, Fergason discloses wherein the first image does not cover a complete range of gray levels producible by an image processing apparatus performing said first adjusting (lower contrast); the second image covers a larger range of gray levels than the first image, while being within said complete range (higher contrast); and whereby, the desired image has the larger range of gray levels with the desired brightness, col. 12 lines 24-65.

In reference to claims 18, Fergason discloses wherein the second adjusting relates to a second portion of the image processing apparatus (the light source, ref. 2).

In reference to claims 19 and 20, Fergason discloses an image producing device comprising: a video input, ref. 6; at least one light source, ref. 2, having a given normal brightness value; at least one light modulator, ref. 3, responsive to the video input for adding image data from the video input to light from the light source; means for analyzing the video input, ref. 5, to derive a desired contrast and a desired brightness; supplying at least one first control signal to cause the light modulator to be adjusted to achieve the desired contrast but a brightness other than the desired brightness with the light source at the given normal brightness value; supplying at least one second control signal, to cause light source to have a new brightness value in order to achieve the desired brightness in the output image in view of the adjustment

of the light modulator and that the output image has both the desired contrast and the desired brightness, col. 3 line 66 - col. 4 line 36.

Response to Arguments

Applicant's arguments filed 6/17/04 have been fully considered but they are not persuasive. Applicant contends that the Fergason reference fails to teach the claimed limitation of first adjusting said first image to said desired contrast but instead Fergason only teaches maintenance of contrast. The examiner disagrees. Although the Fergason reference does teach maintenance of contrast that contrast is only for each specific image from the video signal. Each image in the video signal is analyzed and then an adjustment to the contrast is made. Specifically, the contrast is maintained while the brightness for that particular image is adjusted, see figs. 10 and 11 (shows a maintained contrast with an adjustment in brightness caused by the lamp).

Applicant has relied on col. 4 lines 26-34 for the proposition that the contrast is not adjusted. However, col. 4 lines 26-34 only states that the contrast is maintained "**while** the brightness of a scene or image is adjusted." The contrast ratio of the display will be adjusted when required only by a change in contrast of the image or scene not by a change in brightness of the scene, col. 4 lines 31-37.

Applicant also points to col. 4 lines 9-12, for the proposition that the contrast is not changed because Fergason does not reduce the number of pixels. However, col. 4 lines 9-12, indicates that the full number of pixels **can** be used in a dark scene or image not all scenes or image.

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In reference to claim 20, applicant argues that Fergason does not disclose a modulator. The examiner disagrees, the liquid display (ref. 3), of Fergason is a light modulator.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gale et al. (US 5806950) discloses a projector that would allow a user to adjust contrast and brightness to produce a desired image, col. 5 lines 41-57.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS
September 22, 2004



JUDY NGUYEN
PRIMARY EXAMINER